

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

January 30, 2002

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Pastor -- Pastor Jonathan Grubbs, First Church of God, Springfield, Illinois. Pastor Grubbs.

PASTOR JONATHAN GRUBBS:

(Prayer by Pastor Jonathan Grubbs)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator -- Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Tuesday, January 29th, 2002.

PRESIDENT PHILIP:

Senator Jones.

SENATOR W. JONES:

Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Jones moves to approve the Journal just read. There being no objection, so ordered. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you, Mr. President. I'd like the record to reflect that Senator Ronen is not here due to -- illness, and neither is Senator Evelyn Bowles, due to illness.

PRESIDENT PHILIP:

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Thank you. The record will so indicate. Senator Dillard, for what purpose do you rise?

SENATOR DILLARD:

Thank you, Mr. President. I would like to move to table Senate Bill 1578. 1-5-7-8. We'll introduce a different version of it later on. But I'd like to table that bill.

PRESIDENT PHILIP:

You heard the motion to table Senate Bill 1575 {sic}. Any objections? No objections. So ordered. Senator O'Daniel, for what purpose do you rise?

SENATOR O'DANIEL:

Thank you, Mr. President. Purpose of an announcement. The Resource Conservation Development Council had a breakfast scheduled for tomorrow morning from 7 till 9:30 in the Rathskeller, but since we won't be here, it'll be canceled and rescheduled at a later date.

PRESIDENT PHILIP:

Thank you, Senator... The Illinois Information Service has requested permission to tape. Is -- is leave granted? Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Executive, reports Senate Bills 1553 and 1555 Do Pass; and Senate Resolution 170 Be Adopted.

PRESIDENT PHILIP:

Introduction of Bills.

ACTING SECRETARY HAWKER:

Senate Bill 1649, offered by Senators O'Daniel and Luechtefeld.

(Secretary reads title of bill)

Senate Bill 1650, offered by Senator Luechtefeld.

(Secretary reads title of bill)

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Senate Bill 1651, offered by Senator Sieben.

(Secretary reads title of bill)

Senate Bill 1652, offered by Senator Obama.

(Secretary reads title of bill)

Senate Bill 1653, offered by Senator Obama.

(Secretary reads title of bill)

Senate Bill 1654, offered by Senator Sieben.

(Secretary reads title of bill)

Senate Bill 1655, offered by Senator Parker.

(Secretary reads title of bill)

Senate Bill 1656, offered by Senator Woolard.

(Secretary reads title of bill)

Senate Bill 1657, offered by Senator Bomke.

(Secretary reads title of bill)

Senate Bill 1658, offered by Senator Bomke.

(Secretary reads title of bill)

Senate Bill 1659, offered by Senator Ronen.

(Secretary reads title of bill)

Senate Bill 1660, offered by Senators Ronen and Cullerton.

(Secretary reads title of bill)

Senate Bill 1661, offered by Senator O'Malley.

(Secretary reads title of bill)

Senate Bill 1662, offered by Senator O'Malley.

(Secretary reads title of bill)

Senate Bill 1663, offered by Senator O'Malley.

(Secretary reads title of bill)

Senate Bill 1664, offered by Senators Ronen and Cullerton.

(Secretary reads title of bill)

Senate Bill 1665, offered by Senator Cullerton.

(Secretary reads title of bill)

Senate Bill 1666, offered by Senator Cullerton.

(Secretary reads title of bill)

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Senate Bill 1667, offered by Senator Cullerton.

(Secretary reads title of bill)

Senate Bill 1668, offered by Senator Cullerton.

(Secretary reads title of bill)

Senate Bill 1669, offered by Senator Cullerton.

(Secretary reads title of bill)

Senate Bill 1670, offered by Senator Cronin.

(Secretary reads title of bill)

Senate Bill 1671, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

Senate Bill 1672, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

Senate Bill 1673, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

Senate Bill 1674, offered by Senator Sullivan.

(Secretary reads title of bill)

Senate Bill 1675, offered by Senator Sullivan.

(Secretary reads title of bill)

Senate Bill 1676, offered by Senator Rauschenberger.

(Secretary reads title of bill)

Senate Bill 1677, offered by Senators Rauschenberger and
Jacobs.

(Secretary reads title of bill)

Senate Bill 1678, offered by Senator Rauschenberger.

(Secretary reads title of bill)

PRESIDENT PHILIP:

If I could have your attention for one minute, I'd like to
welcome Representative Marquardt on the Floor, with his one and
only grandson. Welcome to the Senate, Representative. Nice to
have you here. And the grandson is a lot better looking than you
are, I'll tell you that. It's certainly an improvement. You
know, I -- I apologize. I see the constituents from Lombard are

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here, and his wife, Judy. Would you please rise and be recognized by the Senate? We're very happy to have you here. Lombard, Illinois. The beautiful town of lilacs. Oh, we have the Mayor here, too, in the back row. Introduction of Bills.

ACTING SECRETARY HAWKER:

Senate Bill 1679, offered by Senator Rauschenberger.

(Secretary reads title of bill)

Senate Bill 1680, offered by Senator Rauschenberger.

(Secretary reads title of bill)

Senate Bill 1681, offered by Senator Rauschenberger.

(Secretary reads title of bill)

Senate Bill 1682, offered by Senator Rauschenberger.

(Secretary reads title of bill)

Senate Bill 1683, offered by Senators Geo-Karis and Munoz.

(Secretary reads title of bill)

Senate Bill 1684, offered by Senator Watson.

(Secretary reads title of bill)

Senate Bill 1685, offered by Senator Burzynski.

(Secretary reads title of bill)

Senate Bill 1686, offered by Senator Burzynski.

(Secretary reads title of bill)

Senate Bill 1687, offered by Senator Burzynski.

(Secretary reads title of bill)

Senate Bill 1688, offered by Senator Burzynski.

(Secretary reads title of bill)

Senate Bill 1689, offered by Senator Burzynski.

(Secretary reads title of bill)

Senate Bill 1690, offered by Senator Burzynski.

(Secretary reads title of bill)

Senate Bill 1691, offered by Senator Lauzen.

(Secretary reads title of bill)

Senate Bill 1692, offered by Senator Wendell Jones.

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(Secretary reads title of bill)

Senate Bill 1693, offered by Senator Burzynski.

(Secretary reads title of bill)

Senate Bill 1694, offered by Senator Bowles.

(Secretary reads title of bill)

Senate Bill 1695, offered by Senator Bowles.

(Secretary reads title of bill)

Senate Bill 1696, offered by Senator Bowles.

(Secretary reads title of bill)

Senate Bill 1697, offered by Senator Dillard.

(Secretary reads title of bill)

Senate Bill 1698, offered by Senator Demuzio.

(Secretary reads title of bill)

Senate Bill 1699, offered by Senators O'Daniel and -- Woodyard
{sic} (Woolard).

(Secretary reads title of bill)

Senate Bill 1700, offered by Senators DeLeo and Thomas Walsh.

(Secretary reads title of bill)

Senate Bill 1701, offered by Senators DeLeo, Thomas Walsh and
Burzynski.

(Secretary reads title of bill)

Senate Bill 1702, offered by Senator DeLeo.

(Secretary reads title of bill)

Senate Bill 1703, offered by Senators DeLeo and Dudycz.

(Secretary reads title of bill)

Senate Bill 1704, offered by Senator Klemm.

(Secretary reads title of bill)

Senate Bill 1705, offered by Senator Cronin.

(Secretary reads title of bill)

Senate Bill 1706, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

Senate Bill 1707, offered by Senator Sieben.

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(Secretary reads title of bill)

Senate Bill 1708, offered by Senator Welch.

(Secretary reads title of bill)

Senate Bill 1709, offered by Senator Silverstein.

(Secretary reads title of bill)

And Senate Bill -- pardon me, 1710, offered by Senator Demuzio.

(Secretary reads title of bill)

And Senate Bill 1711, offered by Senator Clayborne.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

SECRETARY HARRY:

Senate Resolution 308, offered by Senator Clayborne and all Members.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Agriculture and Conservation - Senate Bill 1573; to the Committee on Commerce and Industry - Senate Bill 1557; to the Committee on Education - Senate Bill 1544; to the Committee on Executive - Senate Bills 1582 and 1634; to the Committee on Judiciary - Senate Bills 1636 and 1637; to the Committee on Licensed Activities - Senate Bill 1622; to the Committee on Local Government - Senate Bills 1627 and 1635; to the Committee on Public Health and Welfare - Senate Bill 1605; to the Committee on Revenue - Senate Bill 1542; to the Committee on Transportation - Senate Bills 1588, 1611 and 1624; and Be Approved for

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Consideration - Senate Bill 1282.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...the Membership's information, we will now proceed to Executive Session for the purpose of advise and consent. Senator Petka.

SENATOR PETKA:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...Petka.

SENATOR PETKA:

Move that the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointments set forth in his Messages of May 9, 2001; January 9, 2002; and the Comptroller's appointment set forth in his Message of January 8, 2002.

Mr. President -- respect to the Message of May 9th, 2001, I will read the salaried appointment of which the Senate Committee on Executive Appointment...

PRESIDING OFFICER: (SENATOR DUDYCZ)

You've heard the motion. All in favor, say Aye. Opposed, Nay. The motion carries, and we are now in Executive Session. Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senators Petka and DeLeo, Co-chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of May 9th, 2001, reported the same back with the recommendation the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Thank you. With respect to the Message of May 9, 2001, I will

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read the salaried appointment which the Senate Committee on Executive Appointments recommends the Senate advise and consent:

To be a member of the Department of Employment Security for a term ending January 20th, 2003: William J. Nolan of Chicago.

Mr. President, having read the salaried appointment from the Governor's Message of May 9, 2001, I now seek leave to consider the appointment of May 9, 2001, on a roll call. Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, does the Senate advise and consent to the nomination just made. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, no Nays, none voting Present. And the majority of Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. For the information of the Membership, we will be continuing to cast recorded votes. So, be close to your desks. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. A matter of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR HAWKINSON:

On that roll call, I hit my button, and for some reason, it didn't work. I intended to vote green, or in the affirmative.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Record will -- will reflect your intent, Senator Hawkinson. Senator Shadid, what purpose do you rise?

SENATOR SHADID:

Thank you, Mr. Chairman. I've had the same problem as Senator Hawkinson.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Record...

SENATOR SHADID:

Would you record me as voting green?

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will reflect your intent, had you been near your voting button. Senator Myers, what purpose do you rise?

SENATOR MYERS:

Mr. Chairman, I would ask that you report my vote for the last issue as Yes, please. Inadvertently did not...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Your intent will be recorded, Senator Myers. Thank you. Mr. Secretary.

SECRETARY HARRY:

Senators Petka and DeLeo, Co-chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of January 9th, 2002, reported the same back with the recommendation the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President. With respect to the Message of January 9, 2002, I'll read the salaried appointments to which the Senate Committee on Executive Appointments recommends the Senate do advise and consent:

To be Assistant Director of the Department of Natural Resources for a term ending January 20, 2003: Andrea Moore.

To be a member of the Illinois Labor Relations Board; State Panel for a term ending January 26, 2004: Michael Breslan of Chicago.

Mr. President, having read the salaried appointments from the

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Governor's Message of January 9, 2002, I now seek leave to consider the appointments of January 9, 2002, on a roll call. Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall -- does the Senate advise and consent to the nominations just made. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, no Nays, 4 voting Present. And the majority of Senators -- elected concurring by record vote, the Senate does advise and consent to the nominations just made. Mr. Secretary. Senator Petka.

SENATOR PETKA:

Thank you, Mr. President. With respect to the Governor's Message of January 9, 2002, I'll read the non-salaried appointments of which the Senate Committee on Executive Appointments recommends that the Senate advise and consent:

To be a member of the Children and Family Services Advisory Council for a term ending January 20, 2003: Linda Young of Carbondale.

Be a member of the Children and Family Services Advisory Council for a term ending January 17, 2005: Susan Kelsey of Chicago.

To be a member of the Guardianship and Advocacy Commission for a term ending June 30th, 2003 {sic} (2002): Saul Morse of Springfield.

To be members of the Guardianship and Advocacy Commission for terms ending June 30th, 2004: Seymour Bryson of Carbondale, Glenn Jackson of Fairfield, Susan McMahon of Elmhurst.

To be a member of the Kaskaskia Regional Port District Board for a term ending June 30th, 2004: Virgil J. Becker of Smithton.

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To be Public Administrator and Public Guardian of Moultrie County for a term ending December 3rd, 2001: Gail Wolfe of Lovington.

To be Public Administrator and Public Guardian of Moultrie County for a term ending December 5th, 2005: Gail Wolfe of Lovington.

To be Public Administrator of Cook County for a term ending December 5th, 2005: Lou Apostol of Glenview.

To be members of the Quality Care Board for terms ending September 18, 2004: Teresa Ann McFarland of Chicago, Linda L. Virgil of Decatur.

Mr. President, having read the non-salaried appointments from the Governor's Message of January 9, 2002, I now seek leave to -- to consider the appointment of January 9, 2002, on a roll call. Mr. President, will you put the question as required by our rules? PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, does -- does the Senate advise and consent to the nominations just made. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And the majority of Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Mr. Secretary.

SECRETARY HARRY:

Senators Petka and DeLeo, Co-chairmen of the Committee on Executive Appointments, to which was referred the Comptroller's Message on January 8th, 2002, reported the same back with the following -- or, with the recommendation that the Senate advise and consent to the following appointment.

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Senator Petka.

SENATOR PETKA:

Thank you, Mr. President. With respect to the Comptroller's Message of January 8, 2001 {sic} (2002), I'll now read the non-salaried appointment of which the Senate Committee on Executive Appointments recommends the Senate do advise and consent:

To the Merit Commission of the Office of Comptroller, for a term of six years, expiring the third Monday in January, 2008: Deborah K. Cimarossa.

Mr. President, having read the non-salaried appointment from the Comptroller's Message of January 8, 2002, I now seek leave to consider the appointment of January 8, 2002, on a roll call. Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate advise and consent to the nomination just made. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? ...the record. On that question, there are 53 Ayes, no Nays, none voting Present. And the majority of Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Petka.

SENATOR PETKA:

Thank you, Mr. President. I move the Senate arise from Executive Session.

PRESIDING OFFICER: (SENATOR DUDYCZ)

You've heard the motion. All those in favor, say Aye. Opposed, Nay. And the motion carries. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1712, offered by Senator del Valle.

(Secretary reads title of bill)

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1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 795, offered by Senator Lightford.

(Secretary reads title of bill)

House Bill 1050, by Senator Lightford.

(Secretary reads title of bill)

That's House Bill 1050.

Senator Weaver offers House Bill 1268.

(Secretary reads title of bill)

House Bill 1269, by Senator Weaver.

(Secretary reads title of bill)

House Bill 1272, by Senator Weaver.

(Secretary reads title of bill)

House Bill 1273, by Senator Weaver.

(Secretary reads title of bill)

House Bill 1276, Senator Weaver.

(Secretary reads title of bill)

House Bill 1288, by Senator Weaver.

(Secretary reads title of bill)

House Bill 1386, by Senator Tom Walsh.

(Secretary reads title of bill)

House Bill 1458, by Senator Watson.

(Secretary reads title of bill)

House Bill 2667, by Senators Tom Walsh and Philip.

(Secretary reads title of bill)

House Bill 2671, by Senators Tom Walsh and Philip.

(Secretary reads title of bill)

House Bill 2683, by Senators Tom Walsh and Philip.

(Secretary reads title of bill)

And House Bill 3606 is presented by Senator Philip.

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(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1713, offered by Senator Hendon.

(Secretary reads title of bill)

And Senate Bill 1714, by Senator Hendon.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...now proceed to the Order of Resolutions Consent Calendar.
With leave of the Body, all those read in today will be added to
the Consent Calendar. Mr. Secretary, have there been any
objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall the
resolutions on the Consent Calendar be adopted. All those in
favor, say Aye. Opposed, Nay. The motion carries, and the
resolutions are adopted. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 48, offered by Senator Donahue.

(Secretary reads SJR No. 48)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue moves to suspend the rules for the purpose of
the immediate consideration and adoption of Senate Joint
Resolution 48. All those in favor will say Aye. Opposed, Nay.
The Ayes have it, and the rules are suspended. Now Senator
Donahue has moved for the adoption of Senate Joint Resolution 48.
All those in favor, say Aye. Opposed, Nay. The Ayes have it, and

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the resolution is adopted. Senator Hendon, what purpose do you rise?

SENATOR HENDON:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR HENDON:

Today is Senator Donne Trotter's 114th birthday. So we will be celebrating later, if you want to acknowledge his ripe, old age.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Happy birthday, Senator Trotter. And may you and your great-great-great-grandchildren enjoy the day. There any further business to come before the Senate? Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Well, I -- I have a question of the -- of the Chair. Isn't it always the rule that whenever a Senator's birthday has been announced from the Floor, they at least cough up a little cake and coffee and stuff? I mean, can't he even give us a little piece of cake or anything? What's -- what's the deal with this Trotter guy?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, it's the Chair's information that Senator -- the "great-great-grandfather" Senator, who is celebrating his birthday today, is inviting you over to his house this evening for a -- a free cupcake. Is there any further business to come before the Senate? If not, Senator -- pursuant to the adjournment resolution, Senator Geo-Karis moves the Senate stands adjourned until noon, Tuesday, February 5th, 2002. Please be careful out there going home, Ladies and Gentlemen. Some very bad weather.